

Elizabeth D. Friedman, Assistant Municipal Attorney
Municipal Attorney's Office
P.O. Box 196650
Anchorage, Alaska 99519-6650
e-mail: friedmaned@muni.org
(907) 343-4545
(907) 343-4550 facsimile

Attorney for Defendants
Municipality of Anchorage
Andrew Cottle
Gregory Witte
Kenneth McCoy

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

PATRICK L. SHORTY

Plaintiff,

vs.

MUNICIPALITY OF ANCHORAGE, OFFICER
ANDREW COTTLE, INDIVIDUALLY AND IN
HIS CAPACITY AS AN ANCHORAGE POLICE
OFFICER, OFFICER WITTE, INDIVIDUALLY
AND IN HIS CAPACITY AS AN ANCHORAGE
POLICE OFFICER, KENNETH D. MCCOY,
INDIVIDUALLY AND IN HIS CAPACITY AS
AN ANCHORAGE POLICE OFFICER

Defendants.

Case No. 3:05-cv-00237-TMB

**NOTICE TO THE COURT THAT THE NINTH CIRCUIT HAS
RESOLVED THE APPEAL AND REQUEST TO SET BRIEFING DEADLINES
FOR MOTION AT DOCKET 50**

Come now the Defendants, Municipality of Anchorage, Officer Andrew Cottle,
Officer Gregory Witte and Officer Kenneth D. McCoy ("Municipal Defendants"), by and

through counsel, the Anchorage Municipal Attorney, and file Notice with the court that their Motion for Summary judgment filed at **Docket 50** on December 20, 2006 requires deadlines to be re-set.

On December 20, 2006, the Defendants filed a motion with this court for Summary Judgment. Docket 50. The court provided Plaintiff Patrick Shorty additional time in which to respond to the motion. Docket 55. Plaintiff did not file a responsive pleading but submitted a request which the court determined to be an interlocutory appeal. Docket 60. The Ninth Circuit rejected the appeal and recently denied Mr. Shorty's motion for reconsideration. Exhibit 1.

The Defendants respectfully request this court to issue a ruling providing Mr. Shorty a reasonable period of time to respond to the Motion for Summary Judgment, and if he fails to do so to consider the summary judgment motion ripe and to issue a ruling on the Defendants' motion.

DATED this 22nd day of January, 2008.

JAMES N. REEVES
MUNICIPAL ATTORNEY

/s/ Elizabeth D. Friedman
Elizabeth D. Friedman,
Assistant Municipal Attorney
P.O. Box 196650
Anchorage, Alaska 99519-6650
e-mail: uslit@muni.org
Telephone (907) 343-4545
Facsimile (907) 343-4550
Alaska Bar No. 9306027

The undersigned hereby certifies that on 01/22/08 a true and correct copy of the *Defendants' Notice to the Court that Motion at Docket 50 is Ripe for Ruling* was served on:

Patrick L. Shorty,
Red Rock Correctional Center
1752 East Arica Road
Eloy, AZ 85231

by first class regular mail, if noted above, or by electronic means through the ECF system as indicated on the Notice of Electronic Filing.

s/ Cathi Russell
Cathi Russell, Legal Secretary
Municipal Attorney's Office